IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Bail Appl..No. 1658 of 2007()

CRIME NO. 408 OF 2001 OF IRITTY POLICE STATION

PETITIONER/3RD ACCUSED

PALAKANDY MOOSANTAVIDA ARSHAD @
MOHAMMED ALSHAD BASHEER,S/O.BASHEER,AGED 25,
ACCOUNTANT,THEJUS,AZHIYOOR P.O,VADAKARA TALUK,

BY ADV. SRI.K.S.MADHUSOODANAN
SRI.K.VISWAN

RESPONDENTS: RESPONDENTS/COMPLAINANT & FORMAL PARTY

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1. STATE OF KERALA TO BE REP.BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE, IRITTY
POLICE STATION,IRITTY.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 1658 of 2007

DATED: 21-3-2007

O R D E R

Petitioner who is the 3rd accused in Crime No. 408 of 2001 of Iritty Police Station for an offence punishable under Section 511 of 366 for attempting to kidnap a girl, seeks anticipatory bail.

2. Consequent on the abscondance of the petitioner in S.C. 597/2002 on the file of the Assistant Sessions Judge, Thalassery, the case against him was transferred to the Long Pending Case Register as L.P.C. 28/06, Admittedly, non-bailable warrants of arrest are pending against the petitioner. The fact that the co-accused in the case have been acquitted after trial is not a ground for granting anticipatory bail. The petitioner can very well highlight the said circumstance before the Assistant Sessions Judge after surrender. Accordingly, if the petitioner surrenders before the Asst. Sessions Judge, Thalassery and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after examining the explanation offered by the petitioner for his previous non-appearance and also after considering the contention of the petitioner that the co-accused in the case have been acquitted after trial.

With the above observation this application is disposed of.

V.RAMKUMAR,
JUDGE.

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